



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,167	12/29/2000	Shin Yamaguchi	36.P289	7019

5514 7590 01/31/2005

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
----------	--------------

3629

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,167

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Jonàthan Ouellette

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20,22-39,41-57 and 59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20,22-39,41-57 and 59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claims 21, 40, and 58 have been cancelled; therefore, Claims 1-20, 22-39, 41-57, and 59 are currently pending in application 09/750,167.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. **Claims 1-14, 23-33, and 42-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zander (US 5,923,906) in view of Kodak ("Kodak to sponsor imaging center at Olympics," Photo Marketing Newslines, p1, February 4, 1998).**
4. **As per independent Claims 1 and 42**, Zander discloses a method (computer-executable process) of renting (vending) photographic equipment (C2 L1-19), the method comprising the steps of: loaning photographic equipment to a customer for storing image data captured by a image acquisition device; receiving, upon return, the photographic equipment from the customer; removing image data contained on the returned photographic equipment; and maintaining information associated with the loan and return of the photographic equipment and the customer (C8 L8-61, Fig.16-17E, Fig.19A-19F).

Art Unit: 3629

5. While Zander does disclose a vending machine for different types of cameras, Zander fails to expressly disclose renting digital storage medium.
6. However, Kodak discloses renting digital cameras (includes inherent digital storage medium) ("Kodak to sponsor imaging center at Olympics," Photo Marketing Newslines, p1, February 4, 1998).
7. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included renting digital storage medium, as disclosed by Kodak in the system disclosed by Zander, for the advantage of providing a method of renting photographic equipment with the ability to increase customer service by allowing the vending system to supply all types of photographic equipment to users.
8. As per Claim 2, Zander and Kodak disclose wherein the removable digital storage medium is lent at a first rental location and received at a second rental location.
9. As per Claim 3, Zander and Kodak disclose wherein the first rental location and the second rental location are the same location.
10. As per Claim 4, Zander and Kodak disclose wherein the first rental location and the second rental location are different locations.
11. As per Claims 5, 24, and 43, Zander and Kodak disclose wherein the removable digital storage medium is associated with an identification code.
12. As per Claims 6, 25, and 44, Zander and Kodak disclose wherein the identification code associated with the removable digital storage medium is securely stored on the removable digital storage medium, and is not erased in said erasing step.

13. As per Claims 7, 26, and 45, Zander and Kodak disclose wherein the maintaining step further comprises assigning the identification code to the removable digital storage medium.
14. As per Claims 8, 27, and 46, Zander and Kodak disclose wherein the maintaining step further comprises: assigning an identification code to the customer; associating the identification code of the removable digital storage medium with the identification code of the customer when the customer is lent the removable digital storage medium; and dissociating the identification code of the removable digital storage medium and the identification code of the customer when the removable digital storage medium is received from the customer.
15. As per Claims 9, 28, and 47, Zander and Kodak disclose wherein the maintaining step further comprises: removing the identification code of the removable digital storage medium from inventory of the first rental location when the removable digital storage medium is lent by the first rental location to the customer; and adding the identification code of the removable digital storage medium to inventory of the second rental location when the removable digital storage device is received by the second rental location.
16. As per Claims 10 and 29, Zander and Kodak disclose wherein information associated with the inventories of the first and second rental locations is stored in a data store, which is accessible by any of a plurality of rental locations.
17. As per Claims 11, 30, and 48, Zander and Kodak disclose wherein the maintaining step further comprises the steps of: assigning the identification code of a removable digital storage medium with the identification code of a rental location when the rental location

receives the removable digital storage medium; and disassociating the identification code of removable digital storage medium from the identification code of a rental location when the rental location lends the removable digital storage medium.

18. As per Claims 12, 31, and 49, Zander and Kodak disclose balancing the inventory of the first and second rental locations.

19. As per Claims 13, 32, and 50, Zander and Kodak disclose the balancing step further comprising the steps of: determining a number of removable digital storage medium located at each of the first and second rental locations; and transferring removable digital storage medium from the first rental location to the second rental location when it is determined that the first rental location has an excess number of removable digital storage medium and the second rental location has a deficient number of removable digital storage medium.

20. As per Claims 14, 33, and 51, Zander and Kodak disclose the balancing step further comprising requesting a transfer of removable digital storage medium from a first rental location by a second rental location when it is determined that the second rental location has a deficient number of removable digital storage medium.

21. As per **independent Claim 23**, Zander discloses a system for renting (vending) photographic equipment at a first rental location to a customer for storing image data captured by a image acquisition device (C2 L1-19) and receiving, upon return, the photographic equipment at a second rental location from the customer (C8 L38-40), the system comprising a processing system for processing the image data (film) on returned ones of said rented photographic equipment including removal of image data thereon, and

Art Unit: 3629

a maintenance system for maintaining information associated with the rental and return of the photographic equipment and the customer (C8 L8-61, Fig.16-17E, Fig.19A-19F).

22. While Zander does disclose a vending machine for different types of cameras, Zander fails to expressly disclose renting digital storage medium.

23. However, Kodak discloses renting digital cameras (includes inherent digital storage medium) ("Kodak to sponsor imaging center at Olympics," Photo Marketing Newslne, p1, February 4, 1998).

24. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included renting digital storage medium, as disclosed by Kodak in the system disclosed by Zander, for the advantage of providing a method of renting photographic equipment with the ability to increase customer service by allowing the vending system to supply all types of photographic equipment to users.

25. **Claims 15-20, 22, 34-39, 41, 52-57 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zander in view of Kodak, and further in view of Shiota et al. (US 6,337,712).**

26. **As per independent Claims 15, 34, and 52**, Zander discloses a method of renting (vending) photographic equipment (C2 L1-19), the method comprising the steps of: loaning photographic equipment to a customer for storing data; receiving, upon return, the photographic equipment from the customer; processing the data stored on the returned photographic equipment; and maintaining information associated with the loan and return of the photographic equipment and information associated with the customer (C8 L8-61, Fig.16-17E, Fig.19A-19F).

27. While Zander does disclose a vending machine for different types of cameras, Zander fails to expressly disclose renting digital storage medium.
28. However, Kodak discloses renting digital cameras (includes inherent digital storage medium) ("Kodak to sponsor imaging center at Olympics," Photo Marketing Newslite, p1, February 4, 1998).
29. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included renting digital storage medium, as disclosed by Kodak in the system disclosed by Zander, for the advantage of providing a method of renting photographic equipment with the ability to increase customer service by allowing the vending system to supply all types of photographic equipment to users.
30. Furthermore, while Zander does disclose processing the data provided by the returned photographic equipment, and Kodak discloses processing digital data provided by rented photographic equipment, neither expressly discloses an automatic processing system for use with removable digital storage medium, said processing step including removal of image data (film) contained on the received photographic equipment.
31. Shiota discloses processing data provided by a removable digital storage medium (abstract, C2 L33-47, C3 L9-15).
32. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included automatic processing system for use with removable digital storage medium, as disclosed by Shiota, in the system disclosed by Kodak, in the system disclosed Zander, for the advantage of providing a method of

renting photographic equipment with the ability to increase customer service by allowing the vending system to supply multiple photographic services to users.

33. As per Claims 16, 35, and 53, Zander, Kodak and Shiota disclose wherein the processing step further comprises making the digital data contained on the received removable digital storage medium available to the customer.

34. As per Claims 17, 36, and 54, Zander, Kodak and Shiota disclose wherein the processing step further comprises the steps of: transferring the digital data contained on the removable digital storage medium; and providing the other digital storage medium containing the transferred data to the customer.

35. As per Claims 18, 37, and 55, Zander, Kodak and Shiota disclose wherein the processing step further comprises the steps of: uploading the digital data contained on the removable digital storage medium received from the customer to a computer server; and providing the customer with access to the computer server.

36. As per Claims 19, 38, and 56, Zander, Kodak and Shiota disclose wherein the processing step further comprises emailing the digital data contained on the removable digital storage medium received from the customer to one or more email accounts specified by the customer.

37. As per Claims 20, 39, and 57, Zander, Kodak and Shiota disclose wherein the digital data is digital image data, and wherein the processing step further comprises printing the digital data contained on the removable digital storage medium received from the customer using an image forming apparatus.

Art Unit: 3629

38. As per Claims 22, 41, and 59, Zander, Kodak and Shiota disclose wherein the processing step further comprises the step of verifying the functionality of the received removable digital storage medium.

Response to Arguments

39. Applicant's arguments filed 11/24/2004, with respect to Claims 1-20, 22-39, 41-57, and 59, have been considered but are not persuasive. The rejection will remain as final based on the cited prior art.
40. The application makes the argument that the cited prior art fails to disclose or suggest the erasure of digital data contained on a digital storage medium that has been returned after rental.
41. However, Zander does disclose unloading the film (removing the data) of the camera for processing, prior to reloading it with new film for the next rental customer (Fig.19A); and it would have been obvious to one of ordinary skill in the art at the time the invention was made to clean/renew any object being rented (in this case delete old files) in preparation for future reuse/renting in the rental system.

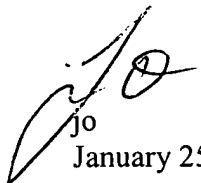
Conclusion

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

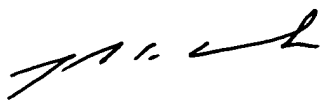
Art Unit: 3629

43. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned (703) 872-9306 for all official communications.

44. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.



Jo
January 25, 2005



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3500